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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/123,123	07/27/1998	KOICHIRO WATANABE	SONY-P8776	5183
22850	7590	03/01/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GRJER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/123,123

Applicant(s)

WATANABE, KOICHIRO

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-19,23,25,26 and 29-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claim language "audio control signal" has been amended to recite "acoustic control signal". According to the disclosure of the specification, the term, "acoustic control signal" is not recited, therein. Thus, the claim language lack sufficient antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newlin in view of Mochizuki et al., U. S. Patent No. 6044248.

Regarding **claim 20**, Newlin et al. (herein, Newlin) discloses a multimedia input and control apparatus and method for multimedia communications (figure 1). Newlin discloses a telephone (185) and a PC (190) outputs control signals such as various DTMF tones and programmed control signals to a user/audio interface which may be transmitted via various transmission mediums (col. 5, lines 17-49), which reads on an acoustic control signal transmission apparatus for transmitting an acoustic control signal corresponding to a control instruction, wherein is inherent that an audio signal is transmitted thereto as evident by the fact that the user/audio interface (135) provides audio input and output which receives the control signals; a multimedia access apparatus (110) coupled with multimedia networks and video displays (210, 220, 230, and 170), reads on an apparatus to be controlled based upon the control and control instructions, wherein it is inherent that the apparatus outputs a sound wave as evident by the fact that audio is received and output in the multimedia access apparatus (col. 3, lines 17-59). However, Newlin fails to disclose the various control signals (DTMF tones) – acoustic control signal being transmitted in the form a of sound wave.

Regarding the acoustic control signal being transmitted in the form of a sound wave, in a similar field, Mochizuki et al. (herein, Mochizuki) discloses a receiver/transmitter with a control processor coupled to a transmission data generator which includes transmission functions wherein a DTMF tone in converter into a sound wave and is transmitted along with a message to another receiving device (col. 4, lines 11-27).

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Newlin by implementing the transmission of

acoustic controls signals to be transmitted as a sound wave for the purpose of improving the transmission control signals to a particular device.

Regarding **claim 21**, Newlin and Mochizuki disclose everything claimed as applied above (see claim 20). Further, Newlin and Mochizuki (Newlin's) disclosure inherently supports a control instruction inputs means, an acoustic control signal generating means, and signal outputting means as evident of the fact that the various DTMF tones controls signals and programmed or programmable control signals are transmitted from a telephone and/or PC to the user/audio interface of the multimedia access apparatus, and the various transmission mediums (col. 5, lines 17-49);

Regarding **claim 22**, Newlin and Mochizuki disclose everything claimed as applied above (see claim 20). Further, Newlin and Mochizuki (Newlin's) disclosure inherently supports a signal input means, and control instruction specifying means, and a means to be controlled as evident of the fact that controls and audio signals are output to a processor arrangement (143) which includes microprocessor system (140) coupled to the user/audio interface (135) and various interface (115), which processes and formats the audio for further transmission (col. 31-59).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. **Claims 24, 27 and 28** are rejected under 35 U.S.C. 102(b) as being anticipated by Newlin.

Regarding **claim 24**, Newlin discloses a multimedia input and control apparatus and method for multimedia communications (figure 1). Newlin discloses a telephone (185) and a PC (190) outputs control signals such as various DTMF tones and programmed control signals to a user/audio interface, which inherently reads generating an acoustic control signal (135), and transmitting an acoustic control signal corresponding to a control instruction as supported by the various transmission mediums (col. 5, lines 17-49); inherent means of extracting the acoustic control signal and executing a control signal as evident by as that controls and audio signals are output to a processor arrangement (143) which includes microprocessor system (140) coupled to the user/audio interface (135) and various interface (115), which processes and formats the audio for further transmission (col. 31-59), wherein a time division transmission is inherent based upon the multiplexing capability of the multimedia access apparatus in respect to the control signals/functions (col. 4, lines 64-col. 5, lines 1-16).

Regarding **claims 27 and 28**, Newlin disclose everything claimed as applied above (see claim 24). Newlin further discloses the transmission of the controls signals via various transmission mediums (col. 5, lines 17-49), which reads on an acoustic control signal being transmitted via signal transmission path and radio wave, respectively.

Response to Arguments

7. Applicant's arguments with respect to claims 20-24, and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

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The applicant essentially argues that Newlin fails to disclose the acoustic control signal be in the form of a sound wave. A new reference of prior art has been provided to modify the teachings of Newlin, by disclose the transmission of a DTMF tone signal in the form of a sound wave along with a message. In respect the applicant's argument of claim 24, the 102 rejection is maintained because the claim language of claim 24 fails claim the control signal in the form of a sound wave.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A. Grier
February 28, 2005